

AGENDA
CITY OF NORTH SIOUX CITY, SOUTH DAKOTA
REGULAR MEETING OF THE CITY COUNCIL
APRIL 16, 2012
7:00 P.M. CITY HALL

1. Call meeting to order at 7:00 P.M.
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes: April 2, 2012 Regular Meeting
6. Approval of Minutes: April 12, 2012 Special Meeting
7. Mayor: Don Fuxa
 - A. “Adopt a Park” Program/“Adopt a Street” Program Update
 - B. Suncoast Lift Station Improvement Bids
 - C. Levee Grading Bids
 - D. Public Hearing – Alcoholic Beverage License Transfer (7:10 p.m.)
 - E. Library Ordinance (Second Reading)
 - F. Records Retention and Destruction Ordinance (Second Reading)
 - G. Conflict of Interest Ordinance (Second Reading)
 - H. Declare Surplus Property
 - I. BPI Proclamation
 - J. Petition for Annexation (Flynn Business Park)
 - K. North Sioux City/Dakota Valley Recreation Complex Report
8. Community and Council Input
9. Executive session*
10. Approval of Fines
11. Approval of Bills
12. Adjournment

***SDCL 1-25-2 allows a majority of the body present to vote to close a meeting when discussion revolves around personnel, legal matters or contract negotiations. Meetings may also be closed for certain economic development matters.**

**UNAPPROVED
CITY OF NORTH SIOUX CITY, SOUTH DAKOTA
REGULAR MEETING OF THE CITY COUNCIL
APRIL 16, 2012
7:00 P.M. CITY HALL**

Meeting called to order at 7:00 p.m. by Mayor Fuxa. Roll call: Parks, Leitru, Christiansen, Meyer, Headid, Beavers and Cropley were present.

Mayor Fuxa led the Pledge of Allegiance.

Motion by Headid, second by Cropley to approve the agenda as presented. Unanimous.

Motion by Leitru, second by Christiansen to approve the April 2, 2012, regular Council meeting minutes as presented. Unanimous.

Motion by Cropley, second by Parks to approve the April 12, 2012, special Council meeting minutes as presented. Unanimous.

Representatives from the North Sioux City Parks & Recreation Board presented an update on the "Adopt a Street" program, as well as a proposal for the creation of an "Adopt a Park" program. Motion by Headid, second by Cropley to implement a new "Adopt a Park" program. Unanimous. Motion by Leitru, second by Meyer to add North Merrill Boulevard to the current "Adopt a Street" program. Unanimous.

Sealed bids for the Suncoast Lift Station Improvement project were opened at City Hall on Thursday, April 12, 2012, at 3:00 p.m. Human Resources Director Kory Menken and Greg Meyer from Buell, Winter, Mousel & Associates, P.C. were in attendance on the City's behalf. It was noted the engineer's estimate was \$171,500. The bids were as follows:

Electric Pump (Des Moines, IA) - \$173,948

Motion by Christiansen, second by Beavers to award the project to Electric Pump (\$173,948), and authorize Mayor Fuxa to sign the relevant documents. Unanimous.

Sealed bids to restore the existing levee to the pre-flood condition were opened at City Hall on Monday, April 16, 2012, at 10:00 a.m. Human Resources Director Kory Menken, Public Works Superintendant Randy Fredericksen and Greg Meyer from Buell, Winter, Mousel & Associates, P.C. were in attendance on the City's behalf. It was noted the engineer's estimate was \$54,644.70. The bids were as follows:

Steve Harris Construction	\$39,412.15
Dakota Earthmoving	\$37,417.21
Campbell Grading	\$44,946.27
Zeisler Construction	\$38,244.00

Motion by Parks, second by Headid to award the project to Dakota Earthmoving (\$37,417.21) contingent upon bond being received within ten (10) calendar days, and authorize Mayor Fuxa to sign the relevant documents. If the bond is not received within ten (10) calendar days, the project will be awarded to Zeisler Construction (\$38,244.00). Ayes: Parks, Leitru, Christiansen, Meyer, Headid and Cropley. Nays: Beavers. Motion passed.

Public hearing on application for alcoholic beverage license transfer was opened at 7:24 p.m. No public input was received. Motion by Headid, second by Parks to close public hearing at 7:24 p.m. Unanimous. Motion by Headid, second by Cropley to approve the following application. Unanimous.

Transfer of Retail (on-off sale) Malt Beverage Licenses with Video Lottery Licenses Attached:

FROM: Gracey Gaming Corp Inc, DBA Straight Shooters I, II, and III Lot A, Lot 1-8, Block 1, Grabbe's Park Addition, North Sioux City. TO: Intrepid Ventures Operating, LLC, DBA: Monaco I, II and III Lot A, Lot 1-8, Block 1, Grabbe's Park Addition, North Sioux City.

Motion by Cropley, second by Christiansen to approve the second reading of an ordinance "to establish a library and library board." Unanimous. It was noted the ordinance will assist the existing North Sioux City Community Library with their efforts to obtain accreditation.

ORDINANCE #13.36

AN ORDINANCE TO ESTABLISH A LIBRARY AND LIBRARY BOARD

BE IT ORDAINED by the Common Council of the City of North Sioux City, South Dakota:

The City of North Sioux City hereby continues to support and provide a public library that serves all residents free of charge, subject to annual budget limitations.

A. Creation and Establishment of a City Library Board of Trustees

There is hereby created and established a City Library Board of Trustees for the City of North Sioux City, South Dakota, which shall consist of five (5) members, property owners or residents of the City, who shall be appointed by the Mayor with the approval of the City Council. The City Librarian shall be an ex-officio member of the City Library Board of Trustees.

B. Term of Office

The term of the five persons to be appointed by the Mayor shall be three years and the terms shall be staggered. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed to complete the unexpired term.

C. Budget

A proposed budget for expenses and revenues shall be submitted to the Finance Officer on an annual basis by the Board and City Librarian.

This Ordinance shall be in full force and take effect from and after its passage, approval and publication according to law.

This Ordinance shall be in full compliance with SDCL 14-2.

Dated at North Sioux City, South Dakota, this 16 day of April, 2012.

CITY OF NORTH SIOUX CITY,
SOUTH DAKOTA

Don Fuxa, Mayor

ATTEST:

Tonya Johnson, City Finance Officer

FIRST READING: April 2, 2012

SECOND READING: April 16, 2012

PUBLISHED: April 25, 2012

Motion by Parks, second by Meyer to approve the second reading of an ordinance “to establish a records retention and destruction policy.” Unanimous. It was noted that the adoption of the policy was recommended by the City’s auditing firm.

ORDINANCE #2.32

AN ORDINANCE TO ESTABLISH A RECORDS RETENTION AND DESTRUCTION POLICY

BE IT ORDAINED by the Common Council of the City of North Sioux City, South Dakota:

The City of North Sioux City hereby adopts the State of South Dakota’s “Records Retention and Destruction Schedule” as the official policy of the City of North Sioux City.

Adoption of a Records Retention and Destruction Policy.

The Records Retention and Destruction Schedule created by the South Dakota Bureau of Administration Records Management Program and dated December 6, 2004, and last updated December, 2010, which is attached as Exhibit A and hereinafter incorporated by this reference, shall be adopted and implemented by the City of North Sioux City.

This Ordinance shall be in full force and take effect from and after its passage, approval and publication according to law.

Dated at North Sioux City, South Dakota, this 16 day of April, 2012.

CITY OF NORTH SIOUX CITY, SOUTH DAKOTA

Don Fuxa, Mayor

ATTEST:

Tonya Johnson, City Finance Officer

FIRST READING: April 2, 2012

SECOND READING: April 16, 2012

PUBLISHED: April 25, 2012

Motion by Christiansen, second by Leitrue to approve the second reading of an ordinance “implementing a conflict of interest policy.” Unanimous. It was noted that the adoption of the policy was recommended by the City’s auditing firm.

ORDINANCE # 2.28

TITLE 2. AN ORDINANCE IMPLEMENTING A CONFLICT OF INTEREST POLICY.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NORTH SIOUX CITY, SOUTH DAKOTA:

2.28.10 Conflicts of Interest.

The use of public office for private gain is prohibited. The City Council shall implement this prohibition by ordinance. Regulations to this end shall include but not be limited to: acting in an official capacity on matters in which the official has a private financial interest clearly separate from that of the general public; the acceptance of gifts and other things of value; acting in a private capacity on matters dealt with as a public official; the use of confidential information; and appearances by city officials before other city agencies on behalf of private interests. This ordinance shall provide for reasonable public disclosure of finances by officials with major decision-making authority over monetary expenditures and contractual matters and, insofar as permissible under state law, shall provide for fines for violations. Municipal officials shall be, at a minimum, restricted from conflict of interest to the extent as provided under state law pursuant to SDCL Chapter 6-1; provided however, that the City Council may adopt an ordinance setting a stricter standard.

2.28.20 Prohibitions.

A. Activities prohibited.

1. No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any city position or appointive city administrative office because of race, gender, age, handicap, religion, country of origin or political affiliation.

2. No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the provisions of this charter or the rules and regulations made hereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

3. No person who seeks appointment or promotion with respect to any city position or appointive city administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.

4. No person shall knowingly or willfully solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose to be used in conjunction with any city election from any city employee.

5. No city employee shall knowingly or willfully make, solicit or receive any contribution to the campaign funds of any political party or committee to be used in a city election or to campaign funds to be used in support for opposition to any candidate for election to city office or city ballot issue. Further, no city employee shall knowingly or willfully participate in any aspect of any political campaign on behalf of or opposition to any candidate for city office. This section shall not be construed to limit any person's right to exercise rights as a citizen to express opinions or to cast a vote nor shall it be construed to prohibit any person from active participation in political campaigns at any other level of government.

B. Penalties.

Any violation of this section shall be sufficient cause for the suspension, demotion or termination of the employment of any City employee found to be in violation of this section. Any City official or employee convicted of a violation of this section shall be subject to a fine not to exceed \$500.00. Further any person convicted of a violation of this section shall be ineligible for a period of five years following such conviction to hold any city office or position.

Dated this 16 day of April, 2012.

Don Fuxa, Mayor

ATTEST:

Tonya Johnson, Finance Officer

FIRST READING: April 2, 2012

SECOND READING: April 16, 2012

PUBLISHED: April 25, 2012

Motion by Parks, second by Christiansen to declare the following obsolete equipment as surplus property. Unanimous.

Gateway computer Serial #0040494252

Gateway computer Serial #0040597756

Motion by Crolepy, second by Parks to issue the following proclamation in support of Beef Products Incorporated. Unanimous.

Proclamation of Support for Beef Products Incorporated

WHEREAS, Beef Products Incorporated (BPI) has long been a significant business partner in both the Dakota Valley and greater Sioux City areas; and,

WHEREAS, BPI has invested a substantial amount of capital in their state-of-the-art facilities located throughout the United States; and,

WHEREAS, BPI, its founders and employees have made numerous contributions to a variety of charities and public entities operating within the greater Sioux City area; and

WHEREAS, BPI's product has been under unwarranted scrutiny from several media sources causing damage to the company and its employees.

NOW THEREFORE, the City of North Sioux City, South Dakota, proclaims support for Beef Products Incorporated (BPI).

Don Fuxa, Mayor

ATTEST:

Tonya Johnson, Finance Officer

Motion by Headid, second by Leitru to approve the following "Resolution to Annex Certain Real Estate." Unanimous.

CITY OF NORTH SIOUX CITY
RESOLUTION #2012-3

A RESOLUTION TO ANNEX CERTAIN REAL ESTATE

WHEREAS, a Petition has been filed with the Mayor and City Council of the City of North Sioux City, Union County, South Dakota in the manner and form required by law, requesting the voluntary annexation of certain real estate pursuant to SDCL 9-4-1, and described as:

Five (5) acres located immediately north and adjacent to Lots 2 and 3 of Flynn Tract 4 lying within Lot A, Section 10, T89N, R48W, Union County, South Dakota and to be legally described as Flynn Tract 6, Consisting of Lots 1 and 2, All in Lot 'A' of the NE ¼, SE1/4, NW1/4 of Section 10, T89N, R48W, 5th P.M., North Sioux City, Union County, South Dakota.

WHEREAS, it has been determined that it would be in the public interest for the City of North Sioux City to annex the above described real estate for use in the future development of North Sioux City.

WHEREAS, it appears that the owner of the contiguous territory owns 100 percent of the above described real estate and has voluntarily signed the Petition now before the City Council and that said property should be annexed into the City of North Sioux City, South Dakota.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of North Sioux City, South Dakota, that:

- (1) Ample resources exist to accommodate the development of the contiguous property; and
- (2) Adequate infrastructure exists to permit the development of this property; and
- (3) No additional City utilities or infrastructure are anticipated at this time; and
- (4) The estimated tax difference for the property will be minimal, the difference between the township mill levy and City mill levy; and

(5) There is a future need for commercial development and the City will likely grow beyond its present boundaries.

NOW, BE IT THEREFORE RESOLVED, by the Common Council of the City of North Sioux City, South Dakota, that the following described real estate which is contiguous, pursuant to SDCL 9-4-1, to the boundaries of the City of North Sioux City be, and the same is hereby annexed:

Five (5) acres located immediately north and adjacent to Lots 2 and 3 of Flynn Tract 4 lying within Lot A, Section 10, T89N, R48W, Union County, South Dakota.

The above Resolution was moved by Councilmember Headid and seconded by Councilmember Leitru and unanimously approved by seven (7) Councilmembers at a meeting duly called and held on April 16, 2012.

Dated this 16 day of April, 2012.

Don Fuxa, Mayor

ATTEST:

Tonya Johnson, Finance Officer

Cropley provided a report on the North Sioux City/Dakota Valley Recreation Complex.

During community/council input: 1.) Pat Burnight inquired about the status of the additional liquor license the City received as a result of the recent Census outcome. It was noted that the Council will discuss the issue further during the May 21, 2012, regular Council meeting. 2.) Christiansen thanked City personnel for the repairs on Highway 105; 3.) Meyer raised concerns with damaged playground equipment at Ferrari Park; 4.) Parks inquired if there was interest in purchasing iPads for the Council. It was the consensus of the Council not to proceed; and 5.) Parks inquired about the status of a commercial inspection of the community center.

Fines in the amount of \$263.50 were approved with a motion from Meyer and a second by Christiansen. Unanimous.

Motion by Parks, second by Headid for the approval of bills. Unanimous.

AIRGAS NORTH CENTRAL	109.83	MAR 2012 TANK RENTAL-WELDING
AMERICAN LEGION POST #319	200.00	BOYS STATE SCHOLARSHIP
BARNES & NOBLE INC	375.35	BOOKS / REFUND
BEN FISH TIRE CO, INC	166.00	MOWER TIRES (2)
PAT BENSON	100.00	1QTR 2012 - P&Z MTGS
BOOKPAGE	282.00	APR 12 - MAR 13 SUBSCRIPTION
C. W. SUTER SERVICES INC	455.44	MAINTENANCE COMM CTR
CITY OF SIOUX CITY IOWA	12,390.80	2 QTR 2012 E9 COMM CENTER
CITY OF SIOUX CITY	8,962.58	MAR 2012 SEWER CHARGES
CREATIVE PROD SOURCING, INC.	408.77	EVIDENCE TAPE
CULLIGAN WATER CONDITIONING	32.00	BOTTLED WATER
DAKOTA DUNES/NSC TIMES	827.23	MAR 2012 PUBLISHING
DEMCO, INC	38.11	SUPPLIES
DOCUMENT DEPOT & DESTRUCTION	40.00	SHREDDING
WRIGHT EXPRESS FLEET SVCS	3,622.24	MAR 2012 FUEL CHARGES

GILL HAULING INC	7,465.55	RESIDENTIAL WASTE PICK UP
HAWKINS, INC	948.78	WATER CHEMICALS/POTASSIUM
JACK'S UNIFORMS & EQUIPMENT	398.10	CLOTHING ALLOWANCE
JOHNSON, TONYA	91.58	REIMBURSEMENT-DAKOTA PC MOUSE
SUSAN KLOOSTRA	17.02	MILEAGE REIMBURSEMENT-ELECTION
KMEG-TV	780.00	3/5-4/1 ADVERTISING
KPTH TELEVISION	825.00	MAR 2012 ADVERTISING
LAFLEUR AUTO SALES	75.00	PATROL CAR DETAIL
LEADER-COURIER	453.39	MAR 2012 PUBLISHING
LINDEN, BAYNE	155.50	MILEAGE REIMBURSEMENT SDML DIST 3
LYLE SIGNS INC	560.82	STREET SIGNS / CHILD AT PLAY SIGN
McLEOD'S PRtg & OFFICE SUPPLY	66.93	ELECTION SUPPLIES
MERCY BUSINESS HEALTH SVCS	46.67	MAR 2012 EAP
MIDAMERICAN ENERGY	11,456.05	FEB-MAR 2012 UTILITY CHARGES
RICK MINOR	100.00	1QTR 2012 - P&Z MTGS
NOVELTY MACHINE & SUPPLY	12.55	DODGE D FLEX FLANGE
O'REILLY AUTOMOTIVE, INC.	216.27	AUTO SUPPLIES
OFFICE SYSTEMS CO	97.81	APR 2012 MTHLY COPIER EXP
PARKS, DAN	60.68	MILEAGE REIMBURSEMENT DISTRICT 3
PETAL PUSHER	65.00	FLOWERS
PRESTO-X COMPANY	198.00	APR 2012 PEST CONTROL
QUALIFIED PRESORT SVC, LLC	412.26	MAR 2012 PRINTING/POSTAGE UTILITY BILLS
REDWOOD TOXICOLOGY LAB	120.00	TOXICOLOGY TESTING
REHAN'S STORES INC.	205.50	CUSTOMIZED SHIRTS (6)
ROBERTSON IMPLEMENT CO	250.92	MOWER PARTS
ROUPE, JENNIFER	15.79	ELECTION SUPPLIES
SD LIBRARY NETWORK	650.00	ANNUAL FEE-REMOTE MEMBER
SD ONE CALL	22.14	UTILITY LOCATE FEES (20)
SIOUX CITY JOURNAL COMM	1,840.00	PROGRESS REC & LEISURE ADVERTISING
SIOUXLAND CHAMBER FOUNDATION	130.00	MAY-OCT 2012 SEMI-ANNUAL FEES
SIOUXLAND HUMANE SOCIETY	35.00	MAR 2012 SERVICES
DONALD STREETER	158.46	MILEAGE REIMBURSEMENT SDML DIST 3
THOMPSON ELECTRIC COMPANY	1,933.68	ACCIDENT CLAIM-REPLACE YELLOW
VERIZON WIRELESS	764.60	JAN-FEB CELL CHGS
WESTERN OFFICE TECHNOLOGIES	65.08	OFFICE SUPPLIES
WIGMAN COMPANY	741.86	MISC PARTS
ZEISLER CONSTRUCTION, INC	16,500.00	FLOOD/REMOVE PUMP & PIPING

Adjournment was at 7:46 p.m., motion by Christiansen and second by Beavers. Unanimous.

CITY OF NORTH SIOUX CITY

Don Fuxa, Mayor

ATTEST:

Tonya Johnson, Finance Officer

ATTEST:

Kory Menken, Human Resources Director